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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,142	03/24/2004	Michael Lewis Stein	22557-3001	5285
34205 7590 11/01/2007 OPPENHEIMER WOLFF & DONNELLY LLP 45 SOUTH SEVENTH STREET, SUITE 3300 MINNEAPOLIS, MN 55402			EXAMINER ALVESTEFFER, STEPHEN D	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/808,142

Applicant(s)

STEIN ET AL.

Examiner

Stephen Alvesteffer

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) 48-57 and 65-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47, 58-64 and 82-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to the amendment filed August 23, 2007. Claims 1, 4, 11-19, 21, 22, 24-26, 31-34, 36-47, 58-62, 82, and 85 are amended. Claims 48-57 and 65-81 are withdrawn from consideration due to a restriction requirement mailed on February 7, 2007. Claim 86 is new. Claims 1, 44, 45, 46, 47, 58, and 82 are independent. Claims 1-86 remain pending.

### ***Claim Objections***

Claim 12 is objected to because it is dependent on itself. The examiner believes claim 12 should be dependent upon independent claim 1. For the purpose of this action, claim 12 will be interpreted as depending upon claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11-16, 20-27, 35-41, 44-47, 58-64, and 82-83 are rejected under 35 U.S.C. 102(b) as being anticipated by Elkin et al. (hereinafter Elkin), International Publication Number WO 2001/1621 A1.

**Regarding claim 1**, Elkin teaches a graphical user interface (GUI) for interacting with an end-user during progression through a workflow process, the GUI comprising: a page including a plurality of interlinked nodes which graphically represent the structure of a plurality of interlinked steps of a stored workflow process (see Figure 14); data entry means for entering data relating to a particular selected node (see page 46 lines 6-12; *"The runtime system interprets process data contained in run-time models, reacts to process inputs and dispatches task assignments to be picked up by the end-users 602"*, input is received from the user to determine which node to process next); wherein the node has a unique relationship with a step in the workflow process currently being traversed by the end-user (see Figures 7 and 9); pathway means for determining a particular pathway through the currently traversed workflow process using the entered data, the pathway comprising two or more of the plurality of interlinked nodes (see page 37 lines 1-4; *"Although it is not shown in Figure 15, Claim Review subprocess 122 is likely to include a task 130 that allows an user end-user 602 to determine whether the claim should be rejected or accepted"*); and means for graphically representing the resultant pathway through the workflow process in the page (see Figure 14, the pathway is graphically represented on the user interface).

**Regarding claim 2**, the complete workflow process is represented on a single page (see Figure 14).

**Regarding claim 3**, Elkin teaches that each node represents an action, decision or result within the workflow process (see Figure 15).

**Regarding claim 4**, nodes in the workflow can be selected and data entry can be performed at each node to affect the resultant path of the process (see Figure 15).

**Regarding claims 5 and 7**, location-specific information can be entered by selecting from a listbox, which is functionally equivalent to a dropdown list (see Figure 17).

**Regarding claim 6**, Elkin teaches that the data entry means is arranged to use the entered data at a first node to determine further information required at a second node, linked to the first node (see Figures 7 and 9; using the entered data at a first node to determine the next step is inherent to following a workflow).

**Regarding claims 11-14**, Elkin teaches a graphical user interface in which entered data is analyzed and possible actions and other information about the node are listed adjacent to the displayed interlinked nodes when a node is selected (see Figure 15).

**Regarding claim 15**, Elkin teaches a graphical user interface in which an action list is displayed adjacent to the displayed interlinked nodes when a node is selected (see Figure 15).

**Regarding claim 16**, Elkin teaches a generated action list in which the user is presented with tasks for confirmation (see page 47, lines 8-17).

**Regarding claims 20 and 21**, Elkin teaches a linking means for linking a node of the workflow to another node of the workflow, taking the form of a sub process. The link to the sub process node is shown as a graphical icon (see Figure 7 and page 8 of the specification).

**Regarding claims 22-24**, the recited "Electronic Patient Record Management System" is an intended use, which carries no patentable weight. Therefore, the "Electronic Patient Record Management System" will be considered as synonymous with a Database Management System (DBMS). Elkin teaches that business data stored on databases are used in the system (see page 5, lines 1-4).

**Claims 25-27** recite an intended use of providing referral information from each node, which carries no patentable weight. The nodes as taught by Elkin can provide information to users (see Figure 15).

**Regarding claims 35-39**, Elkin teaches an editing means for editing the plurality of interconnected nodes on a page (the invention taught by Elkin provides an editing means for editing the workflow. End-users with access to Elkin's invention will be capable of editing the workflow).

**Regarding claims 40-41**, Elkin teaches a workflow interface that enables end-users to complete tasks (see Abstract). It is inherent in such a system that the path taken by end-users through the workflow must be tracked.

**Claim 44** recites a graphical user interface with substantially the same limitations as claim 1 of the instant application. Therefore claim 44 is rejected on the same grounds.

**Claim 45** recites a graphical user interface with substantially the same limitations as claim 1 of the instant application. Therefore claim 45 is rejected on the same grounds.

**Claim 46** recites a graphical user interface with substantially the same limitations as claim 1 of the instant application. Therefore claim 46 is rejected on the same grounds.

**Claim 47** recites a method of interacting with a user during a workflow process with substantially the same limitations as claim 1 of the instant application. Therefore claim 47 is rejected on the same grounds.

**Claims 58-64** recite a graphical user interface with substantially the same limitations as claims 35-39 of the instant application. Therefore claims 58-64 are rejected on the same grounds as claims 35-39 of the instant application.

**Regarding claim 82**, Elkin teaches a method of constructing a graphical user interface, the method comprising collating content regarding a particular workflow, recording that content in a database as a series of steps of a hierarchically structured workflow (see page 35 line 8 through page 36 line 4; *"To define a process 120, a designer 302 would first create some or all of the components 110 of the process 120. New components 110 are created by selecting the command to create the desired component type from the menu bar 324, toolbar 326, or a pop-up menu. Only those components 110 permitted by the component hierarchy shown in Figure 4 can be created"*, the workflow is hierarchically structured), and generating a graphical representation of the hierarchical workflow structure from content recorded in the database (see page 5 lines 1-4; *"Process models a/so include roles, end-users, business logic, and other components that allow parallel processing, synchronization, and timing of services. Business data is obtained from databases as well as from*

*existing enterprise applications”), which can be used to guide an end-user progressively through the workflow; the graphical representation comprising a plurality of interlinked nodes where each node corresponds to a specific point within the hierarchical workflow structure (see page 4, lines 7-19; “The present invention meets these goals by incorporating a set of software tools that allow the graphical definition of top-down workflow process models. Once defined, these models are completely useable enterprise applications that can be deployed in real-time without interrupting 10 current business operations”).*

**Regarding claim 83**, Elkin teaches that the generating step comprises generating a graphical representation comprising the plurality of interlinked nodes on a single page (see figure 14).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin (WO 200171621 A1) *supra* and DeBusk et al. (hereinafter DeBusk), United States Patent number 6,314,556.

Claims 8-10 recite the use of standard classification codes within the system to describe data inputs. The use of standard classification codes was well known in the



Art Unit: 2173

healthcare industry at the time the invention was made. DeBusk mentions the use of standardized codes within his healthcare application (see column 13 lines 39-43). It would have been obvious to one of ordinary skill in the art to use standardized classification codes in a healthcare application in order to distinctly identify information. It should be noted that claim 10 recites an intended use, which carries no patentable weight.

**Claims 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin (WO 200171621 A1) *supra* and Balint et al. (hereinafter Balint), United States Patent number 5,542,024.

Elkin teaches all the features of claims 17-19 except for the recording of user-generated textual notes relating to particular nodes. Balint teaches an expert system in which users can record textual notes that will also be visible to other users of the system (see Balint claims 21-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow textual notes to be attached to workflow nodes in order to provide an intuitive method of knowledge exchange between users of the system. Note that claim 18 recites an intended use, which carries no patentable weight.

**Claims 28-34 and 42-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin (WO 200171621 A1) *supra* and Macrae et al. (hereinafter Macrae), United States Patent number 5,786,816.

Claims 28-34 recite a GUI further comprising a search means. The limitation that the classification code is a "standard classification code" in claim 29 and the limitation that the "subject of the workflow process is clinical medical information" in claim 30 are intended use will not be given patentable weight. Elkin teaches a GUI with all the same functions as the GUI of the instant application except for search functionality. Macrae teaches a client application that allows users to search through a library to items that match specified attributes and search criteria (see column 32, lines 37-41). It would have been obvious to one of ordinary skill in the art to combine the inventions of Elkin and Macrae in order to provide search functionality to the application.

Elkin teaches all the limitations of claims 42-43 except for quantifying the cost of the workflow processes and analyzing the performance of users. The graphical user interface as taught by Macrae solves these problems (see column 2, lines 26-38). It would have been obvious to one of ordinary skill in the art to combine the quantifying the cost of the workflow processes and analyzing the performance of users of Macrae with the graphical user interface of Elkin in order to provide cost and performance analysis of the workflow process.

**Claims 84 and 85** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin (WO 200171621 A1) *supra* and Teitelbaum, United States Patent number 6,607,482.

Elkin teaches all the limitations of claims 84 and 85 except for creating a workflow which commences with a fact in relation to one of a plurality of causes of the

fact and the workflow steps provide a methodology to determine which of the plurality of causes is responsible for generating this fact, wherein the workflow is a clinical diagnosis workflow, and the fact comprises a symptom and the cause of the fact comprises a medical condition. Teitelbaum teaches a computerized questionnaire system which takes symptoms as input and assists in making a clinical diagnosis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the diagnosis system of Teitelbaum with the workflow system of Elkin in order to adapt the workflow system for use in the medical field.

Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin (WO 200171621 A1) *supra* and Chong et al. (hereinafter Chong), United States Patent Application Publication number 2002/0144233.

**Regarding claim 86**, Elkin teaches every limitation of claim 86 except that the editing means is arranged such that its use by an end-user is restricted by permissions. However, restricting access to certain features of applications was well known in the art at the time the invention was made. Chong teaches setting permissions to restrict access to certain portions of applications (see Chong paragraph [0025]; *"Preferably, users may switch between a non-secure part of the application to a secure part of the same application, or vice-versa seamlessly. Further, certain areas of the application may be restricted, and require some extra permissions to access. Preferably, only authorized users may traverse to certain portions of the application"*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

provide the access restrictions of Chong in the invention of Elkin for the purpose of protecting the workflows from being edited by unauthorized users.

### ***Response to Arguments***

Amendments to the specification are accepted by the examiner. Accordingly, all objections to the specification are withdrawn.

Amendments to claims 22 and 85 correct the problems specified in the Office Action dated March 23, 2007. Accordingly, objections to claims 22 and 85 are withdrawn.

Applicants assert that Elkin does not teach use by an end-user who is currently progressing through, or traversing a workflow process. The examiner respectfully disagrees.

The invention taught by Elkin is a workflow designer for creating workflows that are the same as the workflows recited in the instant application. Following a workflow as shown in Elkin Figure 14 is not new, and Elkin indirectly teaches it by teaching an application for designing such a workflow for users to follow.

Applicants assert that Elkin does not teach a pathway comprising two or more of the plurality of interlinked nodes. The examiner respectfully disagrees.

Figures 7 and 9 of Elkin clearly show a workflow pathway comprising two or more of the plurality of interlinked nodes.

Applicants assert that Elkin does not teach allowing end-users to edit the workflow. The examiner respectfully disagrees.

Elkin teaches a workflow designer for editing workflows. An end-user will then follow the workflows to perform tasks. However, there is no reason why a workflow designer cannot also be the end-user. A workflow designer using Elkin's invention is easily capable of designing or editing workflows, then also using the same workflows as an end-user.

Applicants assert that Elkin does not teach collating content and recording the content into a database as a hierarchically structured workflow prior to generation of a graphical representation of the workflow. The examiner respectfully disagrees.

Elkin teaches that the workflow is hierarchically structured (see page 35 line 8 through page 36 line 4; *"To define a process 120, a designer 302 would first create some or all of the components 110 of the process 120. New components 110 are created by selecting the command to create the desired component type from the menu bar 324, toolbar 326, or a pop-up menu. Only those components 110 permitted by the component hierarchy shown in Figure 4 can be created"*, the workflow is hierarchically structured). Elkin further teaches storing the hierarchically structured workflow in a database (see page 31 lines 7-15; *"The process designer 300 allows multiple designers*

*302 to work in collaboration by storing the objects that make up the process models 100 in a database or object called a repository 310"). Elkin also teaches that the data used to generate the workflows can be obtained from databases (see page 5 lines 1-4; "Process models a/so include roles, end-users, business logic, and other components that allow parallel processing, synchronization, and timing of services. Business data is obtained from databases as well as from existing enterprise applications").*

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571) 270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

Art Unit: 2173

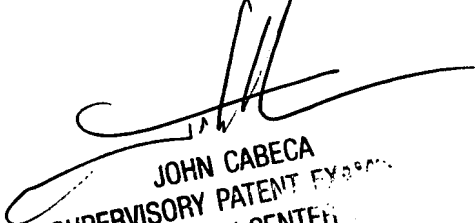
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer  
Examiner  
Art Unit 2173



10-29-2007



JOHN CABECA  
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